

REMARKS

Claims 22-32 and 34 were pending in the application and all were rejected. Claims 22 – 31 and 34 have been amended. Claims 35-41 have been canceled. The abstract has been amended to correct some minor issues. Applicant respectfully requests reconsideration.

INFORMATION DISCLOSURE STATEMENT

The Office Action objected to the Information Disclosure Statement filed 1/27/2005 because some of the publications listed in the IDS fail to identify the relevant pages and/or publication dates of when the documents were published. A corrected IDS will be filed.

ABSTRACT

The Office Action objected to the Abstract because it contained numbers. Therefore, the Abstract has been amended to remove the numbers and to correct other informalities.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 22, 24, 25, 27-32, and 34 under 35 USC 103(a), as being unpatentable over Monteiro et al. (6,434,622) in view of Patrick et al. (US 5,790,541).

Claim 22 has been amended to change the means for elements into structure and to more specifically describe the invention. Also the claim was amended to specify that the packets of the minimum unit mean the minimum packets capable of reconstructing original digital

contents without the overlap of the packets. Support for the amendments is found at paragraph [0019] and figure 10, item 52, para 0211, and paragraph [0026] of Applicant's specification as published in Pub. No. 2006/0168104. Applicant respectfully submits that claim 22 as amended is not unpatentable over Monteiro in view of Patrick. The Office Action concedes that Monteiro does not teach a distribution server connected to a first network and for providing digital contents to a second network but contends that Patrick teaches modifying Monteiro to satisfy the requirements of claim 22. Patrick does not teach or suggest a first network that is connected to a second network through lines different in communication capacity. Claim 24 is patentable over Monteiro and Patrick at least for the reasons discussed with respect to claim 22.

Claim 25, claiming a client, has been amended to include a receiving buffer constructed as a ring buffer that writes the received packet to the address corresponding to the packet identifier for each time of receiving the packet. Support is found at paragraph [0208] of Pub. No. 2006/0168104. Neither Monteiro nor Patrick teaches such a structure.

Claims 26 -28 are patentable over the cited references at least by virtue of their dependence on claim 25.

The Office Action rejected claims 23 and 26 under 35 USC 103(a) as being unpatentable over Monteiro et al. (6,434,622) in view of Patrick in further view of Motles (US 5,095,444).

Claim 23 depends on claim 22 and is hence patentable for the same reasons that claim 22 is patentable. Moreover, Motles does not teach or suggest the limitation added to claim 22 by amendment.

Claim 26 is patentable over the cited references at least by virtue of its dependence on claim 25 and the fact that Motles does not teach or suggest the limitation added to claim 25 by amendment.

Claim 29 recites a digital contents distribution system and has been amended to include a wide area group, a first network and a second network connected to the first network through lines different in communication capacity. Support for the amendments is found at paragraph [0019] and figure 10, item 52, para 0211 of Applicant's specification as published in Pub. No. 2006/0168104. The combination of Monteiro and Patrick does not teach or suggest this added limitation.

Claim 30 is patentable over the cited references at least by virtue of its dependence on claim 29.

Claim 31 relates to a server distributing digital contents and has been amended to require a storage device for storing digital contents to be distributed and is patentable at least by virtue of its dependence on claim 30.

Claim 32 recites a method and has been amended to require that the group is connected to the server through a second network connected to the first network through lines different in communication capacity. Support for the amendments is found at paragraph [0019] and figure 10, item 52, para 0211 of Applicant's specification as published in Pub. No. 2006/0168104.

Claim 34 is an article of manufacture counterpart of claim 32 and hence is patentable for the foregoing reasons.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

/Michael J. Buchenhorner/
Michael J. Buchenhorner
Reg. No. 33,162

Date: January 5, 2009

Michael Buchenhorner, P.A.
8540 S.W. 83 Street
Miami, Florida 33143
(305) 273-8007 (voice)
(305) 595-9579 (fax)